IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 22475 of 2004

Between:

Katika Khaleel Ahmed, S/o..Pedda Hussain Saheb,
Z.P.High School, Hardhagiri - Hala Harvi Mandal, (on Deputation at Z.P.High School, Kosigi), Kurnool District.

..... PETITIONER

AND

1 The District Collector, Kurnool District at Kurnool.
2 The Mandal Revenue officer, Kosigi, Kosigi Mandal, Kurnool District.
3 The District Educational officer, Kurnool District at Kurnool.
4 The Head Master, Z.P.High School, Hardhagiri, Hala Harvi Mandal, Kurnool District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction, particularly one in the nature of writ of Mandamus, declaring the order of the 3rd respondent dated 10-11-2000 and the Judgment of the Honourable A.P. Administrative Tribunal in O.A.No.7241/2000, dated 16-11-2004 as arbitrary, illegal, discriminatory, violative of Articles 15 (4), 16(4) and 21 of the Constitution of India, and consequently set-aside the same, and direct the respondents to continue the petitioner as physical Education Teacher, and grant such other relief as this Honourable High Court may deem fit and proper.

Counsel for the Petitioner: MR.KASAJAGANMOHAN REDDY

Counsel for the Respondents: GP FOR SERVICES I

The Court made the following :

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ORAL ORDER (Per Hon'ble Sri Justice G.Bikshapathy)

1. This writ petition is filed challenging the order passed by the A.P. Administrative Tribunal, Hyderabad in O.A.No.7241 of 2000, dated 16.11.2004.

2 . The petitioner was selected as Physical Education Teacher in 2000-District Selection Committee and he was accordingly appointed on 8.11.2000. However, the authorities issued directions to the Head Masters concerned not to admit him for duty on the ground that he was alleged to have produced non-genuine community certificate. Assailing the said action, he filed O.A.No.7241 of 2000 and the same was disposed of on 16.11.2004 without granting any relief. However, thereafter, the authorities passed another order on 27.12.2000 cancelling the appointment of the petitioner. Against the said cancellation, he filed O.A.No.453 of 2001. The said O.A. was allowed with the following directions:

> *"In view of the above facts and circumstances of the case, we feel that the impugned orders, dated 27.12.2000 issued by the D.E.O., Kurnool are without jurisdiction and therefore, they are not maintainable and accordingly, they are set aside and the District Educational Officer is directed to reinstate the applicant into service forthwith. We also direct the Collector, Kurnool to conduct enquiry on the caste certificate issued by the Mandal*

Revenue Officer in accordance with the provisions of the Section 5 of the Act 16 of 1993. Based on the findings of the District Collector, the District Educational Officer is at liberty to take appropriate action. The O.A. is disposed of accordingly, at the admission stage."

But, obviously this order was not brought to the notice of the Tribunal while O.A.No.7241 of 2000 was being disposed of. In view of the order passed by the Tribunal in O.A.No.453 of 2001, O.A.No.7241 of 2000 ought to have been dismissed as infructuous. Be that as it may, since the Tribunal has made certain observations, the learned counsel for the petitioner submits that those observations would block his way in the event of enquiry being conducted by the authorities concerned and therefore, he seeks appropriate direction.

3. We have heard the learned Government Pleader for Revenue.

4. Inasmuch as the appointment order was cancelled, the Tribunal set aside the same by an order dated 31.1.2001 in O.A.No.453 of 2001 and it was further directed in the said order that based on the findings of the District Collector, the Educational Officer will be at liberty to take appropriate action.

5. In view of this, we find that while taking action in pursuance of the directions granted by the Tribunal in O.A.No.453 of 2001, the authorities will not take into consideration any observations or findings recorded by the Tribunal in O.A.No.7241 of 2000.

6. With the aforesaid direction, the writ petition is closed. No costs.

(G. BIKSHAPATHY, J.)

7th December, 2004.

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(P.S. NARAYANA, J.)

bcj

To

1 The District Collector, Kurnool District at Kurnool.
2 The Mandal Revenue officer, Kosigi, Kosigi Mandal, Kurnool District.
3 The District Educational officer, Kurnool District at Kurnool.
4 The Head Master, Z.P.High School, Hardhagiri, Hala Harvi Mandal, Kurnool District.

5. Two C.Cs. to the Government Pleader for Services-I, High Court Buildings, Hyderabad (OUT)

6. Two C.D. copies